

REMARKS

Claims 1-20 are in this application, with claims 3, 11, and 12 having been amended herein.

The drawings were objected to because Figs. 1-9b were not previously designated as Prior Art. In response, Figs. 1-9b have been amended to include the legend Prior Art. Replacement sheets for Figs. 1-9b are enclosed. It is submitted that no new matter has been added by this amendment to the drawings.

In the Office Action, the specification was objected to because of informalities relating to the status of alleged related applications U.S. Patent Nos. 6,654,370 and 6,473,433. However, it appears that these informalities are not related to the instant application. Accordingly, it is requested that the Examiner further explain this objection.

In addition, the Abstract of the Disclosure was objected to because it should not contain more than 25 lines or 250 words. In response, a new abstract has been submitted herewith to replace the original. Accordingly, withdrawal of the objection to the Abstract is requested.

Claims 3, 11, and 12 were rejected under 35 U.S.C. 112, second paragraph. Specifically, the Examiner refers to instances of insufficient antecedent basis for certain elements recited in claims 3, 11, and 12. In response, claims 3, 11, and 12 have been amended to provide sufficient antecedent basis for these claim elements. Accordingly, it is requested that the 112 rejections to claims 3, 11, and 12 be withdrawn.

Claims 1-3, 6-7, 9-12, 15-17, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,222,841 to Taniguchi in view of U.S. Patent No. 6,501,760 to Ohba, et al. In response, the rejection is respectfully traversed for at least the following reason.

With respect to independent claim 1, the applied combination of Taniguchi and Ohba does not appear to teach, “an identifier adding means for deciding whether or not the packet data is transmitted exceeding a guaranteed bandwidth based on the guaranteed bandwidth set in advance...adding a first identifier to the packet data when the packet data is transmitted without exceeding the guaranteed bandwidth, while adding a second identifier to the packet data when the packet data is transmitted exceeding the guaranteed bandwidth.” More specifically, and as best understood, the applied combination of Taniguchi and Ohba does not appear to teach a “guaranteed bandwidth set in advance,” and adding “a first identifier” when the data is transmitted “without exceeding the guaranteed bandwidth,” or “a second identifier” when the “data is transmitted exceeding the guaranteed bandwidth.” Accordingly, it is submitted that claim 1 patentably distinguishes over the applied combination of Taniguchi and Ohba. For similar reasons, independent claims 9, 16, and 20 are also believed to be distinguishable over the applied combination of Taniguchi and Ohba. In addition, it is submitted that claims 2-3, 6-7, 10-12, 15 and 17, which depend from one of these independent claims are also distinguishable over the applied combination of Taniguchi and Ohba.

Claims 4-5, and 13-14 are rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Taniguchi and Ohba in further view of U.S. Patent No. 6,538,989 to Carter al. In response, it is submitted that Carter has not been relied upon as teaching the aforementioned distinguishing features of independent claims 1, 9, 16 and 20. Accordingly, it is believed that dependent claims 4-5 and 13-14 are distinguishable over the combination of Taniguchi, Ohba, and Carter.

The Examiner indicated that claims 8, 18, and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since the independent claims from which claims 8, 18, and 19 depend are believed to be allowable as previously described, claims 8, 18, and 19 have not been rewritten herein in independent form.

This is in response to the Examiner's statement of reasons for the indication of allowable subject matter, included in the present Office Action. To the extent the Examiner's statement states, implies or is construed to mean that the claims 8, 18, and 19 are allowable over the prior art of record because the Examiner believes these claims should be interpreted to include one or more features or limitations not recited therein, Applicants' attorney disagree with such an interpretation. Moreover, it is Applicants' contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's statement should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
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